

**Remarks**

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). Reconsideration and allowance of this application, as amended, are respectfully requested.

To advance prosecution, claims 1 and 21 have been amended so as to even more particularly define certain features of the invention. Claims 22-24 have been amended for consistency with instant claim 21. Claims 1-13 and 16-25 remain pending in the application, with claims 18-20 withdrawn from consideration as being directed to a constructively non-elected invention. Claims 1, 18, and 21 are independent. The sole rejection is respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Claim 1 has been amended so as to even more particularly define the displaceable nature of the application head of the claimed base insert device. Instant claim 1 recites in pertinent part that the application head is "displaceable along the glue supplying line in a direction extending perpendicular to a transport direction of the bag *and in a plane parallel to a plane in which the bag lies during transport*" (emphasis added). Support for the recitation is found in the disclosure of, for example, Figure 1.

Independent claim 21 has been amended in part in a manner that parallels the aforementioned amendment of claim 1. In addition, instant claim 21 defines an embodiment of the invention that includes a *plurality* of application heads that are "movable relative to each other" along the glue supplying line. Support for the recitation is found in the disclosure at specification page 6, first full paragraph, and in Figure 2.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Boger, Miller, and Focke

Claims 1-13, 16, 17, and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,687,137 to Boger et al. (hereinafter "Boger") in view of U.S. Patent No. 5,609,711 to Miller and further in view of the newly-cited U.S. Patent No. 6,463,716 to Focke et al. ("Focke").

The Office Action now acknowledges that "Boger in view of Miller lack the teaching of having the glue chamber/head to be displaceable" (Office Action page 3, last full paragraph). But, to rectify the aforementioned deficiency, the Office Action relies upon the teaching of Focke, and asserts that "Focke discloses a similar device with the use of displaceable/moving glue dispensing, see for example (Figs. 1-8; via glue nozzle 14)" (Office Action page 3, last full paragraph).

The rejection of claims 1-13, 16, 17, and 21-25 under § 103(a) based on Boger, Miller, and Focke is respectfully deemed to be obviated. For at least the following reasons, the combined disclosures of Boger, Miller, and Focke would not have rendered obvious Applicant's presently claimed invention.

First, the combined disclosures of Boger, Miller, and Focke do not teach each feature of Applicant's claimed invention. As indicated above in the introductory remarks, claim 1 has been amended so as to even more particularly define the displaceable nature of the application head of the base insert device. Instant claim 1 requires that

the glue feed includ[e] (i) at least one chamber through which at least one part of the valves is fed with the glue and which has a diameter of at least 5 mm in at least one place, and (ii) at least one glue supplying line which extends to the application head, the glue supplying line engaging into the chamber and the application head being displaceable along the glue supplying line in a direction extending perpendicular to a transport direction of the bag *and in a plane parallel to a plane in which the bag lies during transport.*

As noted in Applicant's previous replies, the examiner is invited to review the disclosure in the paragraph bridging specification pages 4 and 5 that "the application head can also be arranged such that it can be displaced on the tube" (i.e., on the glue supplying line). Since the application head is movable along the glue supplying line, i.e., along the longitudinal axis of the glue supplying line, the claimed configuration provides operational flexibility for applying the glue to the folds and labels. As is

evident from the depiction of the application head in Figure 1, the application head moves in a plane that is parallel to a plane in which the bag lies during transport.

The Boger and Miller patents fail to disclose the above-described features of Applicant's claimed device. As acknowledged in the Office Action of May 7, 2009, "Boger does not disclose the use of starch glue with [a] supplying line [that] extends to the application head" (aforementioned Office Action, page 2).

With regard to Miller, the examiner previously asserted that "Miller discloses a similar device with the use of dispensing starch glue with supplying line extends to the application head with a diameter of valve being at least 5 mm, see for example (Fig. 3; via adhesive applicator device 28)" (Office Action of May 7, 2009, page 2). However, as is evident from Miller's Figure 3, an adhesive applicator device that simply "extends to the application head" is both structurally and functionally different from Applicant's requirement of a "glue supplying line engaging into the chamber and the application head being displaceable along the glue supplying line in a direction extending perpendicular to a transport direction of the bag."

And now, the Office Action relies upon the disclosure of Focke to rectify the aforementioned deficiencies of Boger and Miller. But, the disclosure of Focke is also deficient. Focke may disclose a device in which a glue nozzle 14 is movable, but most

certainly not a device having an application head that is displaceable in the same way as is Applicant's claimed head.

See Focke's Figures 1-4. Focke teaches that glue nozzle 14 can be swung toward or away from the parts to be glued, i.e., from "an operating position" (Figure 2) to "a maintenance or cleaning or standby position" (Figures 3 and 4). That is, Focke discloses that

[t]he glue nozzle 14 (or the nozzle unit comprising a plurality of nozzles arranged one beside the other) can be moved between an operating position (FIG. 2) and a maintenance or cleaning or standby position (FIGS. 3 and 4). For this purpose, the glue nozzle 14 is mounted on an arcuate pivot arm 18 which can be pivoted about a rotary bearing 19 which is remote from the glue nozzle 14, to be precise by way of a transversely directed shaft journal 20 (FIG. 5) which is driven in a suitable manner. In the operating position (FIG. 2), the glue nozzle 14 is directed obliquely in order to ensure an optimum feed direction for the portions of glue during transfer to the longitudinal tabs 17 (column 2, lines 49-60) (emphasis added)

and that

[i]n the case of a temporary break in operation, the glue nozzle 14 is drawn back from the operating position, by actuation of the pivot arm 18, into a maintenance or cleaning position. In this position, the glue nozzle 14 is located in the region of a maintenance subassembly 21. In the latter, first of all the glue nozzle 14 is cleaned of any residues of set glue present (column 2, lines 61-67) (emphasis added).

That is not Applicant's presently claimed invention. Applicant's claimed device has an application head that is displaceable along the glue supplying line in a direction extending perpendicular to the transport direction of the bag (i.e., in the

"y" direction per Figure 1) and in a plane parallel to the plane in which the bag lies during transport.

Focke's glue nozzle 14 is located on a lever 16, and is pivotable away from the operational position for *maintenance* purposes. Glue supply is simply not the focus of the Focke patent. Consequently, Focke has no disclosure whatsoever that the glue nozzle is movable along a glue supply line. As pointed out above, the direction in which Focke's glue nozzle is movable is completely different from the displacement of Applicant's claimed application head feature.

Accordingly, even if the disclosures of Boger, Miller, and Focke were combined as asserted in the present Office Action, the result would not be Applicant's presently claimed base insert device. .

Second, for the reasons previously of record (with respect to Boger and Miller) and for the following reasons, there is simply no teaching in any of Boger, Miller, or Focke that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicant's pending claims.

Most of the disclosure of the Focke patent focuses on nozzle maintenance, i.e., on the cleaning of the glue nozzle, not on the apparatus that applies the glue to the piece to be glued. That is, Focke discloses that

[t]he object of the invention is to improve the reliable operation of glue subassemblies with glue nozzles, namely to ensure relatively long, disruption-free operation of such glue subassemblies (column 1, lines 27-30)

and that

[i]n order to achieve this object, the glue nozzle is assigned an elastic closure and cleaning element which can be moved relative thereto, in particular a rotatable roller, disc or the like made of elastic material (column 1, lines 31-34).

Thus, in view of the very different focus of the disclosure, there is simply no teaching in Focke of Applicant's claimed application head that is movable along the glue supplying line in order to provide operational flexibility for applying the glue to folds and labels.

Accordingly, the combined disclosures of Boger, Miller, and Focke would not have rendered obvious the invention defined by Applicant's instant claim 1. Claims 2-13, 16, and 17 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

Instant claim 21 is similarly allowable. Claim 21 defines an embodiment of the invention that includes a *plurality* of application heads that are "movable relative to each other along the glue supplying line." See the depiction of the multiple application heads 1 in Figure 2. An operational advantage of the embodiment of the device defined by claim 21 is that not only are the application heads movable along the longitudinal axis of the glue supplying line, i.e., in a direction perpendicular to the

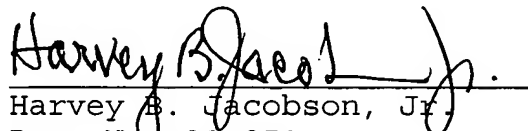
transport direction of the pieces to be glued, but that the heads are movable *relative to each other*. Claims 22-25 are allowable because they depend from claim 21, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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